

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

Justin Lynn Victory,

Case No.: 2:24-cv-00978-JAD-DJA

**Plaintiff**

V.

## **Order Denying Motions as Premature**

Bank of America, et al.,

[ECF Nos. 20, 22, 23]

## Defendants

8 Plaintiff Justin Lynn Victory brings this lawsuit to challenge actions stemming from his  
9 August 2, 2023, visit to a Bank of America branch. Because he is proceeding *in forma pauperis*,  
10 the magistrate judge screened his complaint.<sup>1</sup> Finding numerous deficiencies, the magistrate  
11 judge dismissed Victory's complaint without prejudice and with leave to amend.<sup>2</sup> Victory filed  
12 an amended complaint two days later.<sup>3</sup>

13 But that amended complaint has not yet been screened, so it has not yet been determined  
14 that Victory has a viable claim with which he can proceed. Nevertheless, he has filed multiple  
15 motions, including two motions for discovery from his attorney in his state-court criminal case  
16 and from the officer-defendant who is the target of his amended complaint,<sup>4</sup> and one entitled  
17 “Motion Regarding Document 21 for any Misconstructions Relating to Docu[ment] 8 in this  
18 Case,” in which he seeks to “clarify” something he wrote in a previously denied motion.<sup>5</sup>

<sup>1</sup> ECF No. 16.

$|^2 Id.$

3 ECF No. 19.

23||<sup>4</sup> ECF Nos. 20, 22.

<sup>5</sup> ECF No. 23.

1 Because it has not yet been determined that Victory has pled a viable claim that he can  
 2 pursue in this case, any request for discovery is premature. Only if this court finds, upon  
 3 screening Victory's amended complaint, that he has stated a plausible claim and permits him to  
 4 move forward, will the court issue a scheduling order and potentially allow Victory to seek  
 5 discovery and documents in accordance with the Federal Rules of Civil Procedure and the local  
 6 rules of this court. But that time is not yet here. So Victory's requests for documents or  
 7 discovery are denied as premature. And because his clarification<sup>6</sup> about the stay he was seeking  
 8 does nothing to change this court's decision to deny that stay,<sup>7</sup> his motion in that regard is also  
 9 denied.

10 IT IS THEREFORE ORDERED that Plaintiff Justin Lynn Victory's:

- 11     • Motion to Subpoena Discovery in Case No. 23-cr-058545 from My Attorney  
        Kenneth G. Frizzel;
- 13     • Motion to Receive Documents or Files from Eighth Judicial District Court, and  
        or Justice Court JC Dept. No. 12; and
- 15     • Motion Regarding Document 21 for any Misconstructions Relating to  
        Docu[ment] 8 in this Case

17 [ECF Nos. 20, 22, 23] ARE DENIED. Victory is cautioned that this court will not grant relief  
 18 or discovery in this case unless and until the court determines that he has pled a viable claim.  
 19 Screening of his amended complaint may take months.

20 \_\_\_\_\_  
 21 U.S. District Judge Jennifer A. Dorsey  
 Dated: December 2, 2024

22  
 23<sup>6</sup> ECF No. 23.

<sup>7</sup> ECF No. 21.